



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
MEDFORD DISTRICT OFFICE  
3040 BIDDLE ROAD  
MEDFORD, OREGON 97504

## Rod Lowe Road and Pipeline Rights-of-Way (EA #OR110-2003-20)

### DECISION RECORD / RATIONALE / FONSI

#### I. DECISION

The decision is to implement Alternative 2, the proposed action, for the Rod Lowe Road and Pipeline Rights-of-Way application, as described in the Environmental Assessment for this project. The project design features described in the EA are an integral part of the proposed action and are to be implemented.

#### II. DECISION RATIONALE

Alternative 1, the No Action Alternative, is rejected because it will not meet the purpose and need identified in the EA. It would deny Mr. Lowe a water supply to his property and would be contrary to BLM's goal of providing rights-of-way when consistent with land use plans.

Alternative 2 is selected because it will meet the identified purpose and need, which is to address Mr. Lowe's need to supply water to his dairy located on his private property east of the pump site. The project design features will insure that the permitted activities (pump installation and road) are consistent with the standards for the Recreational Section of the Rogue Wild and Scenic River.

Granting the requested ROW permit is consistent with the Bureau's Strategic Planning Goal 1.2.4 which is to grant right-of-way actions consistent with land health standards.

#### III. PUBLIC INVOLVEMENT

Public notification and involvement was accomplished via an EA public comment period in June-March 2003. Comments were received from the Klamath Siskiyou Wildlands Center and Mr. Trenor Scott in response to the EA public comment period.

#### IV. CONCLUSION AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)

##### A. Plan consistency

Based on the information in the project's EA, in the record, and from the letters and comments received from the public about the project, I conclude that the decisions in this Decision Record are consistent with the Medford District Resource Management Plan, the Record of Decision and Standards and Guidelines on Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the

Range of the Northern Spotted Owl and, the Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (January 2001). They are also consistent with the Endangered Species Act, The Native American Religious Freedom Act and cultural resource management laws and regulations, the National Wild and Scenic Rivers Act, the 1972 Rogue River management plan, and the Hellgate Recreation Area Draft Management Plan Environmental Impact Statement. It is also consistent with Executive Order 12898 (Environmental Justice).

This decision will not have any adverse impacts to energy development, production, supply and/or distribution (per Executive Order 13212).

## **B. Finding of No Significant Impact**

On the basis of the information contained in the environmental assessment and a consideration of the comments received from the public regarding the proposed right-of-way, it is my determination that the decision stated above will not result in significant impacts to the quality of the human environment. Granting the right-of-ways does not constitute a major federal action having a significant effect on the human environment and an environmental impact statement (EIS) is not necessary and will not be prepared.

This conclusion is based on my consideration of the CEQ's criteria for significance (40 CFR §1508.27), both with regard to the context and to the intensity of the impacts described in the EA and based on my understanding of the project. With regard to the intensity aspect of the potential impacts (per the 10 CEQs stated areas of consideration):

*1) Impacts can be both beneficial and adverse and a significant effect may exist regardless of the perceived balance of effects.* The assessment has considered both beneficial and adverse impacts. None of the individual or cumulative effects have been identified as being significant.

*2) The degree of the impact on public health or safety.* No aspects of the project have been identified as having the potential to significantly and adversely impact public health or safety.

*3) Unique characteristics of the geographic area.* The project / pump site is within the boundaries of the Hellgate Recreation Section of the Rogue Wild and Scenic River. The project has been determined to be consistent with VRM class 1 standards. Facilities within the recreational section are permissible under the Wild & Scenic Rivers Act. The requirements regarding pump location / facilities design were done to minimize potential impacts on river users.

*4) The degree to which the effects on the quality of the human environment are likely to be highly controversial effects.* There is no indication that the impacts are highly controversial. River side pumps for agricultural use already occur within the Hellgate section.

*5) The degree to which the possible effects on the human environment are likely to be highly uncertain or involve unique or unknown risks.* The analysis does not show that this action would involve any unique or unknown risks

*6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* The action and the decision will not set any precedents for future actions with significant effects. Rights of way grant are common and there are other river side agricultural pumps along the river.

7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* No significant cumulative impacts have been identified in the EA or comments received.

8) *The degree to which the action may adversely affect National Historic Register listed or eligible to be listed sites or may cause loss or destruction of significant scientific, cultural or historical resources.* The project area does not include any listed National Historic Register sites or sites known to be eligible. Cultural sites in the project will be protected per the project design features noted above.


9) *The degree to which the action may adversely affect ESA listed species or critical habitat.* The project includes project design features that preclude adverse impacts on ESA listed species. The BLM's fisheries biologist had determined that the proposed action will have no effect on coho in the Rogue River.

10) *Whether the action threatens a violation of environmental protection law or requirements.* There is no indication that this decision will result in actions that will threaten a violation.

## V. ADMINISTRATIVE REMEDIES

The effective date of this decision will be the date of publication of the Notice of Decision in the Grants Pass Daily Courier. Concurrent with this notice, a right-of-way grant will be offered to Mr. Lowe pursuant to subpart 2800 of Title 43 of the Code of Federal Regulations.

Any party adversely affected by this decision has the right to appeal to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, Board of Land Appeals (IBLA). Any appeal must be made in strict accordance with the regulations contained in 43 CFR part 4. This includes, among other requirements, the requirement that a notice of appeal must be filed in this office within thirty (30) days of the effective date of this decision. The regulations also provide for petitioning for a stay of the decision, if desired. The decision to issue the right-of-way will be in full force and effect upon acceptance of the offered grant by the grantee and execution of the grant document by the BLM.

  
Abbie Jossie  
Field Manager, Grants Pass Resource Area  
Medford District, Bureau of Land Management

  
Date